APPENDIX

IN THE

COURT OF APPEALS OF MARYLAND

No. 525

SEPTEMBER TERM, 1966

JOSEPH CARROLL, *et al.*,

v.

THE PRESIDENT AND COMMISSIONERS OF PRINCESS ANNE, COUNTY COMMISSIONERS OF SOMERSET COUNTY, *et al.*

HORNEY,
MARBURY,
BARNES,
McWILLIAMS,
FINAN,

JJ.

OPINION BY FINAN, *J.*

Filed: June 7, 1967

This is an appeal by Joseph Carroll, Richard Norton, J. B. Stoner, Connie Lynch, Robert Lyons, William Brailsford, and the National States Rights Party, hereinafter referred to as NSRP, from the temporary order of August 7, 1966, and the interlocutory order of August 30, 1966, rendered by the Circuit Court for Somerset County, chan-

cery division, at the instance of the appellees, the President and Commissioners of Princess Anne, the County Commissioners of Somerset County, and Mahlond Price and James E. Lauchner, individually, enjoining each of the appellants individually, as well as the NSRP, from holding rallies or participating in any public demonstrations in Somerset County for a period of ten months. The appellants, thereafter, filed an immediate appeal from the various orders below to this Court.

The appellants, each of whom are members or officers of the NSRP, a white supremacist political organization, held what could be described as a public rally or meeting near the courthouse steps on August 6, 1966, at 7:00 p.m., in the Town of Princess Anne, in Somerset County, for the purpose of publicly advancing the tenets of their cause.

The community, or some members of it, were notified four hours in advance of the proposal to hold this meeting. Upon their arrival, the appellants commenced to hook up a public address system. At this time, the appellants were approached by Captain Paul J. Randall, Troop Commander of the State Police for the Eastern Shore District. One of the appellants, Joseph Carroll, Youth Director of the NSRP, together with J. B. Stoner, attorney for the organization, asked Captain Randall if there was any law prohibiting the appellants from setting up an amplifying device and holding a rally in front of the courthouse on Somerset Street. Captain Randall advised Mr. Carroll that no such law existed. Accordingly, the privilege of holding the rally was extended to the appellants within the ambit of Captain Randall's authority. Captain Randall did request that the speeches omit any mention of two pending rape cases involving Negro defendants and a white victim. Thereafter, the rally was commenced by the playing of a

musical tape, capable of being heard for several blocks, to the repeated refrain: "Send the niggers north."

Princess Anne, population 1351 (948 white, 403 Negro) is the county seat of Somerset County, population 19,623 (12,315 white, 7,300 Negro). The county is sparsely settled, the majority of its inhabitants being farmers or watermen. Most of the time it is a tranquil community; however, in 1933 it was the scene of Maryland's last lynching. In 1964 the town was again the scene of serious racial disturbances during which time there were many demonstrations by students of Maryland State College, located in the town with a predominantly Negro student body of 730. A large detachment of Maryland State Police were called at that time to quell the disturbance and the Troop Commander of the State Police was seriously injured. Concentrated sulphuric acid was indiscriminately thrown at the police. Princess Anne is 40 miles from Cambridge, county seat of Dorchester County, where civil disturbances required the presence of the Maryland National Guard for a period of over a year (1963-64). The appellants, the week previously, had been arrested for causing a race riot in Patterson Park, Baltimore, Maryland, which had been given full TV, radio and press coverage. It was not mere chance which brought the appellants to Princess Anne.

At 7:15 Joseph Carroll opened the rally with the announcement that this was a white rally, designed to carry forward the views of the white people organized to oppose black terror, the Communist conspiracy in the United States, unconstitutional injunctions against good white people, such as the appellants, the Negro power structure, a mongrelization of the races and integration of schools and housing. To prevent mongrelization, Carroll assured his audience that they intended to fight in the courts and in every legal manner through the political organization

of the NSRP and that they had taken enough off of the "niggers" and enough off of "Martin Lucifer Coon."

The appellant, Richard Norton, leveled his sights at the school integration program. Under freedom of choice, according to Norton, a community was not forced to integrate its schools if it refused to accept, * * * "LBJ's Judas, thirty pieces of silver." The price of acceptance, continued Norton, would lead to rape and the "sacrifice of white blood" in our schools.

Norton lived up to the promise given Captain Randall that no mention would be made of the two pending rape cases involving Negro defendants and a white woman; however, with some relish he reminded the crowd about the 1933 lynching, saying:

> "In 1933 a nigger grabbed a 75 year old white woman in this town and brutually raped her, brutally raped her. What did they do? Did the people go out and say that nigger was a victim of discrimination and that's why he raped her? No, Let me tell you what happened. I am not advocating this but I am just recounting a bit of history. Three thousand people from this town rose up, took that beast out and hung him. You know what the Baltimore papers said, you know what they said? They called it Eastern Shore barbarism, Eastern Shore barbarism. Now a lot of oldtimers here tonight remember the stickers you all had on your cars and windows, 'I am an Eastern Shore man and damn proud of it.' You folks proud of it?
>
> "(Voices) Yeah, yeah."

On integration of schools, Mr. Norton had this to say:

"The act, this is a political struggle, we're in. It's a struggle for survival. Don't think you have it bad down here with niggers. Really, it's not too bad yet. Come to Baltimore City, see what's happening to schools there. The school superintendent of Baltimore City, the excellent Dr. Brain, three years ago his daughter went to Western High School. A nigger girl took a coke bottle, smashed the bottom out, and gouged that poor child's face. Well, after that Dr. Brain resigned, gone to Portland, Oregon, so his daughter could have plastic surgery. Now these bootlickers and political vermin, some of these preachers will tell you they accept this, this is insanity. Don't accept it. Never accept it. Organize. Fight it. You'll win every single time. You want to fight? Come on, let's hear it. Want to fight?

"(Voices) Yeah, yeah."

On employment, Mr. Stoner stated:

"If we only hire whites and we move the blacks out legally, in accordance with the law, up to New York or some place like that, we won't have niggers down here to mix up with."

Mr. Norton continuing on the theme of their Baltimore rally of the previous week, and the inevitable uprising of the whites, said:

"Well, let me tell you last Thursday night in Baltimore City, two thousand people stood out there in front of our speakers' platform and said that they didn't like niggers and it certainly shook up the political

structure of Baltimore City. They had to go to court to stop him. Now they are going to stop us for awhile.

"We know the feelings of people. We watched them for three years building in this country. This country, according to the Newsweek magazine, is probably heading for mass racial violence—two years, three years, nobody can stop it. We can't stop it and LBJ can't stop it, niggers can't stop it.

• • • • •

"We always urge white people to get their gun, always have a gun, know how to use it, always have a good supply of ammunition. I will tell you, friends, you are going to have to use it. It's no use hiding; you can't bury your head in the sand like an ostrich. The problems aren't going to go away. The time is come —you are going to have stand up and face it. You are going to have to face it.

• • • • •

"But come on back 7 o'clock tomorrow night. We're going to take it easy tonight—we don't want any heart attacks out there. And tomorrow night I want you people really hollering. No violence, just hollering. We want hollering so loud LBJ is going to hear it. Mayor McKeldin heard it in Baltimore. I understand (sic) pulled him half way out of bed."

The next speaker was the star of the attraction. A self-styled sometime lemon picker from California called the Reverend Connie Lynch whose oratorical harangue in part follows:

"Everyone of us has sworn to defend the Constitution. That means you. That means myself. We swore to de-

fend it against its enemies, foreign and domestic. You know what every white person in America should have done when that Supreme Court refused to rule in favor of the Constitution? [on school integration] They should have been impeached immediately. They should have been tried, convicted and hanged by—remember, the penalty for treason is death. • • •

• • • • •

"Whenever they make demands into our white society, when they say they're going to invade our white communities we are told we can't do anything about it—they have a right to come into your communities. But they're coming in there non-violently. Reminds me of someone coming to my house, knocking on my door, saying, 'Now look-a-here, I'm coming into your house, but I'm not coming in there violently; I'm coming in with a non-violent manner.' Then when he says, 'Now I see your wife there, non-violently I want your wife. And I see you got a beautiful daughter over here—with no violence, but non-violently I want your daughter.'

"Well, I've got an answer to it tonight. I'm willing now and I'll be willing tomorrow and I'll always be willing to fight. Yes, hell yes, any way it takes to fight to stop this invasion of our white communities. How do you white folks feel about it out there, huh?

"(Applause.)"

The rally lasted approximately an hour and one half. During the progress of the rally the crowd expanded from about fifty at the beginning to about one hundred and

fifty to two hundred persons at the conclusion and about twenty-five percent were Negroes, some of whom stood on the fringe of the crowd. Captain Randall, prior to the beginning of the rally had called in about thirty-five state policemen and during the progress of the rally asked for, and received, about twenty-six additional men.

The Court has had the benefit of listening to the tape recording made at the rally, which was filed as an exhibit in the court below. Toward the end, Mr. Norton shouted remarks in crescendo and in an hysterical, high-pitched cadence directed the following diatribe to the Negroes standing on the fringe of the crowd:

> "Well, we aren't going to scare any more, we aren't going to run any more—last summer, Adam Clayton Powell, the nigger congressman from Harlem, stood up and said, 'we got the white man on the run.' Well, personally this is one white man that's not going to run any more. We're gonna stop, we're gonna fight—and I'll tell you one thing, maybe we'll have to sit down in the middle of the street, we'll bring this whole damn program within one year to a crashing halt. We're going to beat them, we're going to beat them, we're going to beat them. We're going to work together—they haven't got a chance. *I'm going to tell you niggers out there now the best thing you can do is start taking reservations for Africa for you're finished. We don't need you. You're off, you're dead. Get ready to leave this country. Get ready to leave this country. You can leave a lot of ways—you can leave on boat, you can leave running, you can bicycle, or you can leave in a box. This is a white man's country. Princess Anne is a white man's town. This is a white man's county.*" (Emphasis supplied.)

The Court has reviewed the facts of this case in light of *Cox* v. *Louisiana*, 379 U.S. 536 (1965); *Cooper* v. *Aaron*, 358 U.S. 1 (1958); *Beauharnis* v. *Illinois*, 243 U.S. 250 (1952); *Terminiello* v. *Chicago*, 337 U.S. 1 (1949); *Chaplinsky* v. *New Hampshire*, 315 U.S. 568 (1942); *Cantwell* v. *Connecticut*, 310 U.S. 296 (1940); *Schenck* v. *United States*, 249 U.S. 47 (1919); and *Rockwell* v. *Morris*, 211 N.Y.S. 2d 25 (App. Div. 1961).

We think the lower court acted in the face of a clear and present danger in issuing the temporary restraining order, dated August 7, 1966, enjoining the appellants from holding rallies, "until the matter can be heard and determined in equity or for a period of ten days from the date hereof," and accordingly we affirm this action. We shall have more to say about the interlocutory injunction later in this opinion.

To elaborate at length on the cited authorities and their application to the case at bar, would be to write on a page of legal history already crowded. However, comment is necessary.

This Court is well aware that "Freedom of Speech," as guaranteed by the First Amendment of the Constitution of the United States is the cornerstone around which the house of government is built and without which other personal freedoms would atrophy.

However, as Justice Holmes pointed out in *Schenck, supra,* freedom of speech is not an absolute right, citing the example at p. 52 that: "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic." He gave us the "clear and present danger" doctrine.

The speeches delivered by the appellants must not be judged as they abstractly read or sound in the sequestered

atmosphere of judicial chambers, but with the realization that they were, in the nature of a harangue, delivered in the humidity of a torrid August night from the courthouse steps of a county seat whose people were not strangers to racial violence.

Captain Randall, Corporal Chaffey of the State Police, and Mr. Dashiell, a commissioner of the Town of Princess Anne, all having witnessed previous racial disturbances in Princess Anne and Officer Tenney of the Baltimore County Police testified as to the heightened tension of the crowd as the rally concluded. Colonel Davidson, Chief of Operations of the State Police, testified that at the time of the hearing on the injunction, August 30, 1966, "a very tense atmosphere" still existed.

The Court is aware that these witnesses were members of law enforcement agencies and one a town commissioner and that we cannot let our free institutions be circumscribed by the criterion of a police state, as was said by Justice Black in his dissent in *Feiner* v. *New York*, 340 U.S. 315 (1951) (dissenting opinion at 340 U.S. 321). The Court also realizes that the State has the duty to provide safeguards for those who wish to publicly air their views. Nor, can the authorities rid themselves of an unpleasant task by the simple expediency of not letting malcontents or agitators meet. Yet, the testimony of these men, as to the temper of the community and the immensity of danger, cannot be discounted. They wore the mantle of authority and were charged with the onerous burden of preserving the peace. Theirs was the responsibility of providing protection, not only to those persons who might gather at a rally the following night or thereafter, and to the townspeople of Princess Anne, but to the speakers themselves.

The Maryland State Police have had much experience in recent months with "brinkmanship diplomacy," in handling racial meetings and calculating when the "brink" of peaceable exhortation has been reached. There are countless individuals who stand by ready to castigate when the protectors of the public safety miscalculate.

We must also look at the words of the speeches themselves, the common meaning of the words and the manner in which they were delivered. They do not represent an attempt on the part of those addressing the crowd at intellectual persuasion or an appeal to reason by championing a particular social, religious, racial or political philosophy. These were provocative gut speeches, interlaced with "fighting words," delivered in an inflammatory manner aimed at the raw emotions of the listeners. As Justice Frankfurter said in *Drivers Union* v. *Meadowmoor Co.*, 312 U.S. 287, 293 (1941): "But utterance in a context of violence can lose its significance as an appeal to reason and become part of an instrument of force. Such utterance was not meant to be sheltered by the Constitution."

The instant setting was far more volatile than that found in *Cantwell*. The passages are more inflammatory than those of *Feiner, Chaplinsky* or *Cox*. The "fighting words" more identifiable as such than in *Beauharnais* or *Chaplinsky*.

In the instant case the remarks and epithets hurled directly at the Negroes on the fringe of the crowd were nothing less than an invitation to mutual violence, for which the opportunity was being set up for the following night.

Although the State has the duty to provide safeguards for those who wish to publicly air their views, we do not think this duty extends to providing a protected forum from

which persons may taunt with "fighting words" those who otherwise would be law-abiding citizens.

Nor was this a case of prior restraint, as in *Rockwell, supra.* The rally was actually staged, the speakers threw down the gauntlet by way of a challenge, particularly to the Negro segment of the community as to what might be expected the following night; at which rally they promised more of the same—only more vituperative, more vicious.

This is not a case where the speakers were restrained by direct police action. The restraint was not imposed upon the speakers until after the matter was given the disciplined review of the court.

We have stated that we are of the opinion that the court was correct in issuing its temporary order, dated August 7, 1966, restraining the defendants from holding rallies and meetings until the matter could be determined by a court of equity or for a period of ten days from the date of the issuance of the restraining order. However, we think the court erred in making its interlocutory order for a period of ten months. It is apparent that the lower court meant for its injunction to be coextensive with the academic year of Maryland State College, which was due to commence within a few days after the issuance of the interlocutory decree of August 30, 1966, and which would normally end in June of 1967. However, we think that the period of time was unreasonable and that it was arbitrary to assume that a clear and present danger of civil disturbance and riot would persist for ten months.

Temporary order of August 11, 1966 affirmed, interlocutory order of August 30, 1966 reversed. Each party to pay their respective costs.

Opinion

IN THE

CIRCUIT COURT FOR SOMERSET COUNTY, MARYLAND

No. 8338 Chancery

THE PRESIDENT and COMMISSIONERS OF PRINCESS ANNE, a municipal corporation, COUNTY COMMISSIONERS OF SOMERSET COUNTY, a corporation, and NORRIS DASHIELL, MAHLON D. PRICE and JAMES E. LAUCHNER, Princess Anne, Somerset County, Maryland,

—VS.—

JOSEPH CARROLL, of Baltimore County and State of Maryland, RICHARD NORTON, J. B. STONER, CONNIE LYNCH, ROBERT LYONS and WILLIAM BRAILSFORD, whose addresses are unknown but temporarily in Somerset or Worcester Counties of the State of Maryland, and NATIONAL STATES RIGHTS PARTY, whose address is unknown.

The Commissioners of Princess Anne and the County Commissioners of Somerset County seek, by the Bill of Complaint filed in this cause, to restrain the named individual defendants as well as the National States Rights Party from holding rallies or meetings in Somerset County and to further restrain them from using any device to amplify the human voice on records or otherwise.

Princess Anne, the county seat of Somerset County, has quite a high percentage of Negro residents and is also the

site of Maryland State College, a predominantly Negro College. For time immemorial, the relationship between the white and negro races in this county seat as well as the county itself, has been that of mutual respect and deference with perhaps isolated incidents occurring between the individual members of the different races, but no widespread disorder has enveloped the county or city, until on or about 1964.

During the fall of that year, what we now refer to as demonstrations (formally riots) became so violent that it was doubted by many the situation could be controlled without the aid and assistance of the National Guard. The fears, anxiety and apprehension of the populace were well founded, for the commander of the State Police at the scene was injured so badly that he has not yet recovered and the prognosis is not certain as to his eventual full recovery. If this riot had become unmanageable, disaster and catastrophe would have been the inevitable result. Since the date of those riots, an uneasy truce seems to be the status.

One witness, a town commissioner, whom we believe to be in a position to know, feels that the scales may be tipped at any moment and another series of tragic events may follow. He states as a reason for this that on at least two occasions, perhaps more, small crowds or gangs have either attacked or have set upon members of the opposite race and had it not been for the alert and firm action of the police, more difficult situations could have arisen. We know this to be a true situation for participants in those fracases have been tried in this very Court. So it can be readily ascertained that in the area of race relationships, any movement to arouse anger and passions could easily destroy the

peace and tranquility of this community without much effort.

With this circumstance existing, on August 6, 1966, the National States Rights Party decided to have a meeting with apparent purpose of informing the public in this vicinity of the purpose and tenets of the party and without any known prior advanced billing, held a meeting on the Court House steps, beginning at approximately 7:00 p.m.

The State Police were informed that this gathering was to be held and being fearful that some disorder was likely to be the result, congregated all available Troopers not otherwise on duty, close at hand without their presence being known to the participants, both speakers and listeners, and as near as we can recollect, we think that about sixty officers were located in a building of the State Roads Commission not too far from the Court House.

After some inquiry concerning the right to hold a meeting on the Court House steps, the speakers were advised there was no local ordinance against their contemplated activity. They then placed several loud speakers at advantageous points and began playing records, most of which were not understandable, but the word "Nigger" could be heard on a number of occasions. The loud and raucous noises attracted perhaps some two hundred people with about twenty-five percent Negro. At the conclusion of the records, to attract an audience, the speakers began their harangue.

It is difficult to conceive of more vituperative and insulting statements in the so called speeches. We have got to assume that the National States Rights Party stood for what the speakers on this evening stated because at one point they stated that this party "is the only white man's

political party in America" and for "resending of the Niggers back to Africa, carrying out the purpose of our forefathers that wanted it written in the constitution to stop these Kike-Hating Jews from becoming citizens". At one point a speaker states "I'm going to tell you niggers out there now the best thing you can do is start taking reservations for Africa for you're finished. We don't need you. You're off, you're dead. Get ready to leave this country? Get ready to leave this country. You can leave a lot of ways—you can leave on boat, you can leave running, you can bicycle, or you can leave in a box. This is a white man's country. Princess Anne is a white man's town. This is a white man's country." The statements just quoted set the theme for the entire dialogue and need not be further detailed.

Any fair interpretation of the stated principles of this "political party" is that it advocates the expulsion of two races from citizenship in this country, if not their extermination. The holocaust of the last World War is too vivid in the memory of the Court to be persuaded that acts and statements motivated by the enunciated principals should be permitted even under the guise of "free speech". It is clearly our understanding a person or a group of persons have an absolute right to speak their convictions, espouse any cause they desire, unless by so doing there is a clear and present danger of disorder, rioting or a breach of the peace.

Schenck v. *United States* (1918), 249 U. S. 47, 63 L. Ed. 470;

Cantwell v. *Connecticut* (1940), 310 U. S. 296, 84 L. Ed. 2d 471;

Cox v. *Louisiana* (1965), 379 U. S. 536, 13 L. Ed. 2d 471;
Cox v. *Louisiana* (1965), 379 U. S. 559, 13 L. Ed. 2d 487;
Edwards v. *South Carolina* (1963), 372 U. S. 229, 9 L. Ed. 697.

We are mindful of the principles set out in *Terminiello* v. *City of Chicago*, 337 U. S. 1 (1949); *Wright* v. *Georgia*, 373 U. S. 284 (1963); *Edwards* v. *South Carolina*, 372 U. S. 229 (1963), but we cannot find in this incident that the speeches of Lynch, Carroll, and Norton advocating racial violence and unrest are unlawful in the first instance.

On the other hand, we feel the "free speech" clause of the Constitution does not permit an individual or a group of individuals to publicly use abusive and insulting language to any race in a public place, with members of that race present and suggest they leave their country and if they did not do so, their lives would be in danger. In addition it is our belief there was a "clear and present danger" of a riot had the speakers been permitted to return. In fact, disorder would have been the inevitable result.

An Order will be signed extending the injunction for a definite period of time from the date thereof.

(Signature illegible)
Judge

(Signature illegible)
Judge

DEPARTMENT OF POLICE
TOWN OF EASTON
MARYLAND

(Emblem)

WILLIAM H. WILKINSON,
CHIEF

May 3, 1967

Mr. Richard M. Norton, Coordinator
National States Rights Party
P. O. Box 442
Baltimore, Maryland 21203

Dear Mr. Norton:

Receipt is acknowledged of your application dated April 27th, 1967, for a permit for the National States Rights Party to hold a rally in Easton on May 13th and 14th, 1967, from 5:00 to 7:00 P. M. I might call to your attention that the letter dated April 19th, 1967 from Joseph J. Carroll mentions the dates of May 12th and 13th.

I wish to advise you that I must refuse to issue the requested permit for the reason that I cannot make the findings with regard to this application which are required under the terms of our Ordinance regulating permits for public meetings.

I wish to advise you that you have a right to appeal from this denial to the Council of Easton, which appeal must be in writing and must be made within ten days following this notification.

Very truly yours,

/s/ WILLIAM H. WILKINSON
William H. Wilkinson
Chief of Police

WHW:S

TOWN OF EASTON
MARYLAND

SHERWOOD M. HUBBARD
MAYOR

May 16, 1967

Mr. Richard B. Norton, Coordinator
National States Rights Party
P. O. Box 442
Baltimore, Maryland 21203

Dear Mr. Norton:

At the Regular Meeting of the Mayor and Council held on May 15th, 1967, the formal appeal from the ruling of the Chief of Police denying you a permit to hold political rallies on public property in the Town of Easton was considered.

The Council was unanimous in its decision to uphold the denial by Chief William H. Wilkinson.

Yours very truly,

/s/ S. M. HUBBARD
Mayor

SMH:S

(Letterhead of Jones & Jones, Attorneys,
Princess Anne, Md.)

July 12, 1967

Joseph J. Carroll
Field Director
National States Rights Party
Box 442
Baltimore, Maryland 21203

The President and Commissioners of Princess Anne have received your letter of July 7th. In this letter you state that you have scheduled a rally for the Town of Princess Anne, July 17th at 7:00 P.M. You also state that you hope to have the Commissioners' answer to your letter prior to July 22nd. Since your own letter is so confused the Commissioners are unable to determine the date on which you wish to hold the rally.

Regardless of the date the Commissioners have determined not to issue a permit for the use of sound making or sound reproducing devices under the provisions of Ordinance 22B (46)-1. On the basis of your past record the Commissioners have valid reason to believe that your proposed rally will be similar in purpose and intent in performance to your most recent rally in this town and your record of appearances in other areas. In view of the decision of the Maryland Court of Appeals filed June 7, 1967 in No. 525 September Term, the Commissioners do not feel that your rally will fall within the definition of freedom of speech as set forth by the Court of Appeals and by a long series of Supreme Court cases.

Accordingly, if you hold your rally in violation of Ordinance 22B (46)-1 you will immediately subject yourself to the penalties and provisions of that ordinance. The Commissioners also wish to inform you that should the rally result in violation of any local or statewide law that you will also be subject to any penalties and provisions of those laws and that should you persist or announce your intention to persist contrary to any local or statewide law that the Commissioners will apply to the Courts for a proper injunction or other appropriate relief.

JONES & JONES

/s/ ALEXANDER G. JONES
Alexander G. Jones
Attorney to President and
Commissioners of Princess Anne

AGJ:pea

cc: The President and Commissioners of Princess Anne

(Letterhead of Jones & Jones, Attorneys,
Princess Anne, Md.)

July 25, 1967

Joseph J. Carroll
National States Rights Party
Post Office Box 442
Baltimore, Maryland 21203

Your letter of July 18, 1967, is hereby acknowledged. I wish to advise you that a permit to use sound equipment for your proposed rallies on the evenings of July 28, 29 and 30, 1967, or any subsequent rallies, will, upon approporiate application, be issued, subject to the condition that such equipment does not carry the sound for a distance greater than two hundred fifty (250) feet. The Commissioners of Princess Anne deem this limitation reasonable and necessary in order to preserve the rights of the town's citizens living near the site of your rallies.

You and your party may exercise to the fullest allowable extent the rights granted to you in the First Amendment. You may express whatever political, social or economic views you desire to express, and support your chosen candidates for any public office. We are aware, however, that rallies conducted by your group, or with the participation or support of your group, have led to violence and rioting, or the danger thereof, in the past. The episodes in Baltimore and Princess Anne last summer and the near incidents in Cambridge on July 15, 1967, are examples of this.

You are well aware that the right of free speech has constitutional limitations. It does not permit the inciting of riots by the use of "fighting words" or exhortations to violence. See *Schenck* v. *United States*, 249 U.S. 47; *Cantwell* v. *Connecticut*, 310 U.S. 296; *Chaplinsky* v. *New Hampshire*, 315 U.S. 568; *Beauharnais* v. *Illinois*, 343 U.S. 250; *Feiner* v. *New York*, 340 U.S. 315. The Town Commissioners have a duty to preserve the peace and tranquility of the town, as well as your right of free speech.

On behalf of the Commissioners, I therefore advise you that you will not be permitted to use racial epithets or to make slanderous remarks about the members of any race or ethnic group. In the present climate in this community, such comments on your part would constitute a clear invitation to violence and rioting and would generally endanger the public peace and safety. Nor will you be permitted to exhort persons to commit violence or to riot, no matter how negatively or subtly such exhortations may be phrased. If you or any other speaker violate this condition, and it appears to the duly constituted police authorities that such violation is creating a clear and present danger of violence or disturbance of the peace, the rally will be stopped and the violator held responsible. See that all participants in the rallies are advised of this condition.

/s/ ALEXANDER G. JONES

Alexander G. Jones
Attorney to
President and Commissioners
of Princess Anne

AGJ:ep

(Letterhead of Dept. of Recreation and Parks,
Druid Hill Park, Baltimore, Maryland)

August 2, 1967

Mr. Richard B. Norton, Coordinator
National States Rights Party
P. O. Box 442
Baltimore, Maryland 21203

Dear Mr. Norton:

This will acknowledge receipt of your application, dated July 28, 1967, for a permit to hold a public meeting or assembly at Garrett Park on August 4, 1967 and August 5, 1967, from 7:00 P.M. to 8:30 P.M.

Rule 46(d) of the Rules and Regulations of the Department of Recreation and Parks provides, in part, as follows:

> "Whenever in the judgment of the Superintendent of Parks, or his authorized representative, the issuance of a permit to hold any of the events mentioned in paragraph b. hereof at any particular place or at any particular time will have any detrimental effect, when considered in relation to the comfort and convenience of the public generally, upon vehicular and pedestrian traffic; recreational activity; the operation or functioning of stores, offices or other places of business; or the peace and good order of the residents, (any or all of which are located in the vicinity of the place where any of the aforementioned events are to be held) or any combination thereof, then the Superintendent of Parks, or his authorized representative, shall have the right to refuse to issue the requested permit . . . ."

It is my judgment that the issuance of the permit which you request would have a detrimental effect on the peace and good order of the residents as provided in the rule, and further would have a detrimental effect on the comfort and convenience of the public generally within the meaning of the rule. I base my judgment on the conditions of public disorder and riot which have occurred this summer in a large number of the metropolitan areas of this country. In light of these occurrences, I believe that any public meeting or assembly conducted by you at this time in the public parks would constitute a clear and present danger to the public peace and good order.

Very truly yours,

/s/ DOUGLAS S. TAWNEY
Douglas S. Tawney
Director

DST:rg

cc: Mr. L. Edgar Myerly
Mr. Harry Kues
Mr. Ambrose Hartman
Police Commissioner Donald Pomerleau